

House Joint Resolution

A joint resolution proposing an amendment to Section 7 of Article XI of the State Constitution, relating to tax or fee limitations; requiring that a proposed amendment or revision to the State Constitution that increases an existing state tax or fee must be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "existing State tax or fee" means any tax or fee producing revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is in effect at the time of the election when the proposed amendment or revision is considered; requiring that a proposed amendment or revision to the State Constitution that imposes a significant financial impact on state government be approved by at least two-thirds of those voters voting in the election in which such amendment or revision is considered; providing that the phrase "significant financial impact" means a financial impact to the state in any state fiscal year prior to and including the first state fiscal year of full implementation, including requiring the Legislature to increase taxes or fees in order to maintain the state budget at existing revenues and expenditures, in an amount greater than two-tenths of one percent of the portion of the state budget appropriated from the State general revenue fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year

PCB JU 06-02

Extraordinary Vote to Amend Constitution to Increase or Impose Taxes, Fees, or
Significant Financial Impact

2006

30 prior to the election in which such proposed amendment or
31 revision is considered; providing that the determination
32 of whether a proposed amendment or revision imposes a
33 significant financial impact on state government will be
34 made and certified in accordance with general law;
35 deleting obsolete provisions.
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37 Be It Resolved by the Legislature of the State of Florida:
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39 That the following amendment to Section 7 of Article XI of
40 the State Constitution is agreed to and shall be submitted to the
41 electors of this state for approval or rejection at the next
42 general election or at an earlier special election specifically
43 authorized by law for that purpose:
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45 ARTICLE XI

46 AMENDMENTS

47 SECTION 7. Tax, or fee, or significant financial impact
48 limitation.--Notwithstanding Article X, Section 12(d) of this
49 constitution:

50 (a) No amendment or revision to this constitution that
51 imposes a new State tax or fee shall become effective ~~be imposed~~
52 ~~on or after November 8, 1994 by any amendment to this~~
53 ~~constitution~~ unless the proposed amendment or revision is
54 approved by not fewer than two-thirds of the voters voting in the
55 election in which such proposed amendment or revision is
56 considered. For purposes of this subsection ~~section~~, the phrase
57 "new State tax or fee" shall mean any tax or fee that ~~which~~ would
58 produce revenue subject to lump sum or other appropriation by the
Legislature, either for the State general revenue fund or any

PCB JU 06-02

Extraordinary Vote to Amend Constitution to Increase or Impose Taxes, Fees, or
Significant Financial Impact

2006

trust fund, which tax or fee is not in effect on November 7, 1994.
~~including without limitation such taxes and fees as are the~~
~~subject of proposed constitutional amendments appearing on the~~
~~ballot on November 8, 1994. This section shall apply to proposed~~
~~constitutional amendments relating to State taxes or fees which~~
~~appear on the November 8, 1994 ballot, or later ballots, and Any~~
such proposed amendment or revision that ~~which~~ fails to gain the
two-thirds vote required by this subsection ~~hereby~~ shall be null,
void, and without effect.

(b) No amendment or revision to this constitution that
increases an existing State tax or fee shall become effective
unless the proposed amendment or revision is approved by not
fewer than two-thirds of the voters voting in the election in
which such proposed amendment or revision is considered. For
purposes of this subsection, the phrase "existing State tax or
fee" shall mean any tax or fee that produces revenue subject to
lump sum or other appropriation by the Legislature, either for
the State general revenue fund or any trust fund, which tax or
fee is in effect at the time of the election at which the
proposed amendment or revision is considered. Any such proposed
amendment or revision that fails to gain the two-thirds vote
required by this subsection shall be null, void, and without
effect.

(c) No amendment or revision to this constitution that
imposes a significant financial impact on state government shall
become effective unless the proposed amendment or revision is
approved by not fewer than two-thirds of the voters voting in the
election in which such proposed amendment or revision is
considered. For purposes of this subsection, the phrase

PCB JU 06-02

Extraordinary Vote to Amend Constitution to Increase or Impose Taxes, Fees, or
Significant Financial Impact

2006

"significant financial impact" shall mean a financial impact to the state in any state fiscal year prior to and including the first state fiscal year of full implementation, including requiring the Legislature to increase taxes or fees in order to maintain the state budget at existing revenues and expenditures, in an amount greater than two-tenths of one percent of the portion of the state budget appropriated from the State general revenue fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. The determination of whether a proposed amendment or revision imposes a significant financial impact on state government shall be made and certified in accordance with general law. Any such proposed amendment or revision that fails to gain the two-thirds vote required by this subsection shall be null, void, and without effect.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE XI, SECTION 7

TWO-THIRDS VOTE FOR AMENDMENT INCREASING STATE TAX OR FEE OR IMPOSING A SIGNIFICANT FINANCIAL IMPACT.— Under this measure proposing to amend the State Constitution, a proposed amendment or revision to the State Constitution that increases an existing state tax or fee would have to be approved by at least two-thirds of those voters voting in the election in which the amendment or revision is considered. For the purposes of this measure, "existing state tax or fee" means any tax or fee that produces revenue subject to lump-sum or other appropriation by the

PCB JU 06-02

Extraordinary Vote to Amend Constitution to Increase or Impose Taxes, Fees, or
Significant Financial Impact

2006

Legislature, either for the State general revenue fund or any trust fund, if that tax or fee is in effect at the time of the election when the proposed amendment or revision is considered. This measure would also require that a proposed amendment or revision to the State Constitution that would impose a significant financial impact on state government must be approved by at least two-thirds of those voters voting in the election in which the amendment or revision is considered. For the purposes of this measure, "significant financial impact" means a financial impact to the state in any state fiscal year prior to and including the first state fiscal year of full implementation, including requiring the Legislature to increase taxes or fees in order to maintain the state budget at existing revenues and expenditures, in an amount greater than two-tenths of one percent of the portion of the state budget appropriated from the State general revenue fund, as established in the General Appropriations Act approved by the Governor, for the state fiscal year ending in the year prior to the election in which such proposed amendment or revision is considered. The determination of whether a proposed amendment or revision imposes a significant financial impact on state government would be made and certified in accordance with general law. This measure adds to an existing provision of the Florida Constitution, passed by Florida voters in 1996, that currently applies the same two-thirds vote requirement only to a proposed amendment that imposes a new state tax or fee. All other proposed amendments or revisions presently must be approved by only a simple majority of those voting on the proposal. The measure also makes conforming changes in this

PCB JU 06-02

Extraordinary Vote to Amend Constitution to Increase or Impose Taxes, Fees, or
Significant Financial Impact

2006

145 section of the State Constitution and repeals obsolete provisions
146 relating to items on the November 8, 1994, ballot.
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